

1 MR. COHEN: Well, I --

2 JUDGE CHACHKIN: If not, we're going to be -- we're  
3 not going to get anywhere.

4 MR. COHEN: Well, I, I hope to have it -- I'll have  
5 it after the luncheon recess, Your Honor.

6 JUDGE CHACHKIN: All right.

7 MR. COHEN: I'll endeavor to have it.

8 JUDGE CHACHKIN: Because the witness is saying  
9 that's the source of the information --

10 MR. COHEN: Well --

11 JUDGE CHACHKIN: -- contained here. Is that what  
12 you're saying, that that's the source of the information  
13 contained in your Opposition, is the, is the material con-  
14 tained in the Wilmington proceeding?

15 MR. MAY: Yes. And then the conversations we had in  
16 the preparation of that material.

17 MR. SHOOK: Your Honor, I -- we stand corrected on  
18 something. Our Exhibit 353 is a portion of the May 23, 1991,  
19 Opposition for Petition to Deny that would have been the  
20 Wilmington assignment petitions.

21 JUDGE CHACHKIN: And does that contain the affidavit  
22 of Ms. Duff?

23 MR. COHEN: What document is that?

24 MR. SHOOK: Your Honor, I could look it up and we'll  
25 see.

1 MR. COHEN: What, what's the number?

2 MR. TOPEL: Your Honor --

3 MR. SHOOK: Bureau 353.

4 MR. TOPEL: -- subsequent affidavits in response to  
5 the Commission's letter in September '91. So, Mr. Shook's  
6 document is part of the Wilmington docket, but it's not the  
7 entire one. It's not the complete --

8 MR. COHEN: You said 335?

9 MR. SHOOK: 353. It would have been the first step.  
10 Your Honor, page 28 --

11 JUDGE CHACHKIN: Of what?

12 MR. SHOOK: -- of Exhibit -- Bureau Exhibit 353.

13 JUDGE CHACHKIN: 353.

14 MR. SHOOK: It contains a very brief statement from  
15 Jane Duff. It is in Volume 6.

16 JUDGE CHACHKIN: And there is an affidavit --

17 MR. COHEN: Yes.

18 JUDGE CHACHKIN: A separate affidavit? Well, it  
19 just says: "I hereby declare that I've read and reviewed the  
20 foregoing Consolidated Opposition." Now, maybe you want to  
21 use this -- since the witness claims that this material is  
22 essentially from material he -- he got it from the Wilmington  
23 -- what was stated in the Wilmington proceeding --

24 MR. COHEN: Well, Your Honor, look at page 11, and I  
25 think you'll see -- and I'll, and I'll examine the witness on,

1 on page 11, facts about NMTV operation.

2 JUDGE CHACHKIN: And the Wilmington proceeding was  
3 filed in 1991 and this document was filed a year later. Did  
4 you make any effort to ascertain whether the facts stated  
5 there were still true, Mr. May, before you filed this  
6 Opposition?

7 MR. MAY: Yes, sir. We had communications with the  
8 client.

9 JUDGE CHACHKIN: So, what you're saying, in effect,  
10 is what you put down here was not your whim but, but your  
11 client was well aware of what you were writing in here?

12 MR. MAY: I believe so, yes, sir.

13 BY MR. COHEN:

14 Q Well, you recall I asked you about this. I said had  
15 you -- did you send the document to, to your client in ad-  
16 vance, and you said -- and I asked you about that. Did you  
17 discuss, did you discuss the Opposition to Petitions to Deny  
18 that was filed in February 21 of 1992? Did you discuss that  
19 document with Mrs. Duff after it was filed?

20 A Yes, sir.

21 Q And she had read it?

22 A I believe so, yes, sir.

23 Q And did she tell you that there was anything in  
24 there that should be -- that anything should be supplemented?

25 A No, sir. I think she relied on us to present the

1 document and to make sure that it was in the form and sub-  
2 stance it should be.

3 Q And did you talk with Dr. Crouch about the  
4 Opposition after it was filed?

5 A I don't, I don't recall.

6 Q But Mrs. Duff was satisfied with the Opposition?

7 A Yes. Yes, sir.

8 Q Now, look at -- pursuant to the Judge's suggestion,  
9 look at page 11 of Bureau Exhibit 353, which is the facts  
10 about NMTV operation, and read it to yourself. It's very  
11 brief.

12 A Yes, sir. I've read it.

13 Q Now, this document was filed as an Opposition to  
14 Petition to Deny which had raised a question as to whether  
15 NMTV was a sham. Isn't that correct?

16 A Yes, sir.

17 Q Okay. And I take it that you agree with me that  
18 that calls into question whether one corporation controls  
19 another. Correct?

20 A Yes, sir.

21 Q And you would agree with me that section (d) on page  
22 11 was designed to oppose the view that NMTV was a sham.  
23 Would you agree with that?

24 A Yes, sir. We filed an Opposition to that  
25 contention.

1 Q And these are the facts which you relied upon to  
2 show that NMTV was not controlled by Trinity? Am I right?

3 A Yes, sir.

4 Q Now, is it your view that, that section (d) was  
5 complete?

6 A We believe so, yes, sir.

7 Q And you think it was candid?

8 A Yes, sir.

9 Q And you think it set forth all the facts that the  
10 Commission needed to know in order to determine whether NMTV  
11 was a sham?

12 A We did the best job we could. We thought that this  
13 material was, was responsive and relevant, yes, sir.

14 JUDGE CHACHKIN: When did NMTV establish its own  
15 bank accounts?

16 MR. MAY: It --

17 MR. SHOOK: 1987.

18 MR. MAY: 1987, Your Honor.

19 JUDGE CHACHKIN: All right.

20 MR. MAY: In June, I believe it was, Your Honor.

21 BY MR. COHEN:

22 Q And, of course, neither, neither Opposition mentions  
23 that no NMTV Director who was not a TBN employee has ever  
24 signed one NMTV check.

25 A I don't know if that's true.

1           Q     Well, you can accept that as a fact, then.  If Mr.  
2 Topel thinks I'm wrong, he'll tell me.  You can accept that.  
3 And the evidence in this case establishes it.  Every check  
4 that was -- that's ever been written on behalf of NMTV has  
5 been written, signed by one or two TBN employees.  Now, accept  
6 that as a fact.

7                     And I ask you, sir, is it candid to state that "Mrs.  
8 Duff, and other Officers of NMTV, including Dr. Crouch, are  
9 empowered to sign checks and disburse money?"  Is that candid?

10          A     Yes, sir.  It's accurate.

11          Q     I didn't say it wasn't accurate.  I asked you whe-  
12 ther it was candid.

13          A     Yes, sir.  I said yes.

14          Q     And it was complete?

15                     MR. TOPEL:  Excuse me.  Where are you reading from,  
16 Mr. Cohen?

17                     MR. COHEN:  I'm reading now from the February 21,  
18 1992, Opposition.

19                     MR. TOPEL:  Where, where in the Opposition?

20                     MR. COHEN:  Page 12.

21                     MR. TOPEL:  Thank you.

22                     MR. COHEN:  Page 13.

23                     BY MR. COHEN:

24          Q     "Mrs. Duff, and other Officers of NMTV, including  
25 Dr. Crouch, are empowered to sign checks and disburse money."

1 I'm not suggesting that's not accurate. I'm asking  
2 you whether that's candid?

3 A Yes, sir. I believe so.

4 Q And you think that's complete?

5 A Yes. It's the fact.

6 Q And you think the Commission didn't need to know in  
7 order to determine the control question that no NMTV pers-- no  
8 person had ever signed a check on behalf of NMTV who was not a  
9 TBN employee? You don't think the Commission needed to know  
10 that?

11 A We, we put it in. We thought what we did was appro-  
12 priate, correct, and we thought we were dispensing our respon-  
13 sibilities appropriately. If --

14 Q Answer my question.

15 A The answer is yes. I thought it was complete. I  
16 thought it was open. I thought it was candid. I thought it  
17 was responsive.

18 Q You think that in order to determine whether NMTV  
19 was controlled by Trinity it wasn't important to tell the  
20 Commission that all checks were signed by TBN employees?

21 A Well, Mr. Cohen, the answer is yes, but the people  
22 who signed checks, like Dr. Crouch and Mrs. Duff, were  
23 Directors and Officers of National Minority.

24 Q Well, the record will, will speak for itself on  
25 this.

1 JUDGE CHACHKIN: Well, wasn't Reverend Aguilar also  
2 an Officer?

3 MR. COHEN: Yes, he was an Officer, and so was David  
4 Espinoza.

5 JUDGE CHACHKIN: Did they sign checks, if --

6 MR. COHEN: Nobody, Your Honor.

7 JUDGE CHACHKIN: Your statement says that "Mrs.  
8 Duff, and other Officers of NMTV, including Dr. Crouch..."  
9 Now, that's not a complete statement, because other Officers  
10 -- all Officers were not empowered to sign checks. So, how  
11 could that be a complete statement, be accurate?

12 MR. MAY: There are other Officers of NMTV that,  
13 that did sign checks.

14 JUDGE CHACHKIN: But the, the statement is intended  
15 to indicate that all Officers of NMTV could sign checks, and  
16 that's not the fact. Only certain Officers could sign checks.

17 MR. MAY: That's correct. I mean, at least -- I  
18 guess not all Officers were signing checks. I don't --

19 JUDGE CHACHKIN: They didn't have the authority to  
20 sign checks, apparently. Reverend Aguilar didn't have the  
21 authority to sign checks. Reverend Espinoza didn't have the  
22 authority to sign checks. Only those who were employees of  
23 TBN and were associated with NMTV had authority to sign  
24 checks.

25 MR. MAY: I, I don't recall that that's the



1 specifics, Your Honor. It seems to me that there are stages  
2 in time in which Reverend Aguilar did sign or was empowered to  
3 sign checks.

4 MR. COHEN: I'll tell you the contrary.

5 MR. MAY: I don't know that, that the information  
6 that they've never signed any other check or whatever, I don't  
7 know that that's true even today.

8 JUDGE CHACHKIN: Well, well, you made the statement  
9 that -- what, what -- did you make -- did you ask anybody at  
10 NMTV or TBN what the facts were before you made the statement  
11 about signing checks?

12 MR. MAY: I -- Your Honor, we did. I don't remember  
13 whether it was on that specific issue just before this or  
14 whether or not that was something contained already in the  
15 Wilmington file or something we had gathered in preparation  
16 for Wilmington materials, but we had been informed of this and  
17 led to believe that this was in fact the case.

18 JUDGE CHACHKIN: Did you ever see a check signed by  
19 Reverend Aguilar or Reverend Espinoza?

20 MR. MAY: I can't say that I have. No, sir.

21 JUDGE CHACHKIN: So, what is the basis for your  
22 statement that all officers were empowered to sign checks?

23 MR. MAY: Could you focus me on the specific sen-  
24 tence here?

25 JUDGE CHACHKIN: Yes.

1 MR. MAY: On page 12, we're looking at?

2 JUDGE CHACHKIN: On page 13.

3 MR. MAY: I'm sorry. "Mrs. Duff, and other Officers  
4 of NMTV, including Dr. Crouch, are empowered to sign checks  
5 and disburse monies." And then there's a footnote that indi-  
6 cates about Allan Brown having previously signed one with the  
7 mistaken understanding that he was an assistant-secretary and  
8 empowered to do so.

9 JUDGE CHACHKIN: And Allan Brown was also an em-  
10 ployee of TBN, was he not?

11 MR. MAY: Yes, he is.

12 JUDGE CHACHKIN: But doesn't this statement indicate  
13 that all Officers -- it says "including Dr. Crouch, are empo-  
14 wered to sign checks..." Doesn't the statement indicate that  
15 all the Officers of, of NMTV had that authority?

16 MR. MAY: I don't know that it's -- I guess it's not  
17 that inclusive. It says "other Officers of NMTV..." I, I --  
18 I'm looking at it today. I don't recall that that's --

19 JUDGE CHACHKIN: "...including Dr. Crouch..." which  
20 means that the universe was all the Officers, it seems to me.  
21 Someone reading this would reach that conclusion.

22 MR. MAY: No, sir. I don't think that's what we  
23 intended. I think the intent was to show that Mrs. Duff was  
24 the primary person who handled these affairs, who handled  
25 checks and who handled all of their financial material in her

1 | role as, as the primary individual responsible for NMTV mate-  
2 | rials and matters and that other Officers as well signed,  
3 | including Dr. Crouch.

4 |           JUDGE CHACHKIN: That's right. That means plural,  
5 | "Officers." What other Officers of NMTV besides Mrs. Duff  
6 | and Dr. Crouch did you have in mind could sign checks? You  
7 | used plural for "Officers."

8 |           MR. MAY: Well, we knew about Allan Brown having  
9 | previously signed, and I believe that there were other  
10 | assistant-secretaries that likewise could sign, and that's  
11 | what we meant by there being more than one other Officer that  
12 | could sign. There were a number of other people that could  
13 | sign.

14 |           JUDGE CHACHKIN: Well, if I had read this, I would  
15 | assume you meant that Reverend Espinoza and Aguilar could also  
16 | sign checks since they were Officers. But that was not the  
17 | fact. You, you had no information that that was the case.

18 |           MR. MAY: We believed that other Officers could  
19 | sign, including Dr. Crouch, and that's what we provided to the  
20 | Commission. We believe that to be accurate.

21 |           JUDGE CHACHKIN: Go ahead, Mr. Cohen.

22 |           MR. COHEN: Let's continue --

23 |           COURT REPORTER: One moment.

24 |           MR. COHEN: -- on page --

25 |           COURT REPORTER: Mr. Cohen --

1 JUDGE CHACHKIN: One second.

2 COURT REPORTER: -- one moment.

3 (Off the record. Back on the record.)

4 JUDGE CHACHKIN: So, you're, you're telling me that  
5 -- you, you know what Reverend Aguilar's position was?

6 MR. MAY: Yes, sir. I believe he's Vice President  
7 -- or was Vice President.

8 JUDGE CHACHKIN: And didn't he have something to do  
9 with financing?

10 MR. MAY: No, sir, I don't believe he did.

11 MR. COHEN: That was Espinoza.

12 JUDGE CHACHKIN: Espi--

13 MR. COHEN: He was Chief Financial Officer.

14 JUDGE CHACHKIN: Okay. Let's take Reverend  
15 Espinoza, didn't -- wasn't he the Chief Financial Officer?

16 MR. MAY: Yes, sir.

17 JUDGE CHACHKIN: That's his title. Isn't it, isn't  
18 it something that the Commission should be aware of the fact  
19 that Reverend Espinoza as the Chief Financial Officer didn't  
20 have authority to sign checks even though he was the Chief  
21 Financial Officer?

22 MR. MAY: I don't see -- Your Honor, I don't believe  
23 that's accurate. I mean, I believe that there was a period of  
24 time in which Reverend Espinoza was empowered to sign checks.

25 MR. COHEN: That's correct, Your Honor. He was, he

1 was for a period of two years, but he -- and then, and then --

2 JUDGE CHACHKIN: Did he sign any checks?

3 MR. COHEN: Never. And then that authority lapsed

4 and he no longer was authorized. But the key is he never

5 signed one check while he was Chief Financial Officer.

6 JUDGE CHACHKIN: But I guess you felt that wasn't  
7 important?

8 MR. MAY: I don't know that I knew that at the time,  
9 Your Honor, that he hadn't signed any checks.

10 BY MR. COHEN:

11 Q Well, you didn't find out?

12 A We ascertained the material. We thought we were  
13 being complete and full. We did not know that he hadn't  
14 signed checks.

15 Q Well, did you inquire?

16 A I don't know that I specifically said: now, has  
17 everybody signed a check? I can't tell you that we ever  
18 asked --

19 Q Did you inquire, did you inquire who was authorized  
20 to sign checks as of the time this document was filed?

21 A Yes.

22 Q And if you inquired, you would have learned as of  
23 February 21, 1992, that only TBN employees were authorized to  
24 sign checks.

25 A But the statement is that, "Mrs. Duff, and other

1 Officers of NMTV, including Dr. Crouch, were empowered to sign  
2 checks and disburse monies."

3 Q Let's go on. Look at page 13. You state -- and we  
4 talk about Mrs. Duff: "...and approves..." -- Mrs. Duff "ap-  
5 proves purchase order expenditures generated by KNMT." Do you  
6 see that?

7 A Yes.

8 Q And was that statement complete?

9 A I, I mean, I've come to understand now that appar-  
10 ently there is a process in which somebody other than Mrs.  
11 Duff may actually approve a purchase order, for example, Dr.  
12 Crouch. I guess I -- I guess we could have stated that. We  
13 didn't. We thought we were being responsive and candid.

14 Q Well, weren't you aware what the procedure was at  
15 NMTV concerning approval of purchase orders when you wrote  
16 this document? You --

17 A I can't --

18 Q You didn't know?

19 A I don't know for a specific fact that I knew that  
20 somebody else would approve a purchase order without Mrs. Duff  
21 otherwise being aware of it or having approved the procedure  
22 in which it was done.

23 Q Well, weren't you aware that the Trinity procedure  
24 and the NMTV procedure for purchase orders was identical,  
25 namely, namely anything over \$500 requi-- either 500 or 1,000

1 | dollars required two signatures.

2 |       A     Yes, but that was a function of their being, their  
3 | being 501(c)(3) tax-exempt companies. But I didn't put the  
4 | two together as being somehow related, that this was an issue  
5 | of control. That's an audit function that's, that's a protec-  
6 | tive measure for a public charity.

7 |           MR. COHEN: Well, Your Honor, I think the record  
8 | will speak for itself on this as to whether the witness was,  
9 | you know -- I don't want to belabor that.

10 |           JUDGE CHACHKIN: The record will speak for itself.  
11 | We have the facts in the record.

12 |           MR. COHEN: Exactly, Your Honor. So, I don't, I  
13 | don't think it fruitful to pursue that point anymore.

14 |           BY MR. COHEN:

15 |       Q     Now, regarding the pa-- regarding the paragraph --  
16 | strike that. Regarding this -- the, the matter, the matter of  
17 | who determines the programming format, which is the other --  
18 | the last criteria mentioned in the document. Do you see that  
19 | on the bottom of page 12? Those are the three, the three  
20 | issues that the document deals with?

21 |       A     Yes, sir. I see that it says, "Who determines the  
22 | programming format?"

23 |       Q     Why was there no mention of the fact that Jim  
24 | McClellan was an ex-TBN employee and he continued producing  
25 | the Joy Program from TBN studios after he became general

1 manager of the Portland station? Why is that not included?

2 A I can't say that it -- I ever thought that -- I  
3 don't know the answer to that.

4 Q And --

5 A That's the reason we think it was responsive or  
6 relevant to the issue -- or in response to the issue.

7 JUDGE CHACHKIN: Well, clearly, your intent was not  
8 to put anything adverse to your position. That's obvious from  
9 your response. That's what your intent was. Was it not?

10 MR. MAY: We intended to respond to the issues --

11 JUDGE CHACHKIN: Fully and completely?

12 MR. MAY: We thought --

13 JUDGE CHACHKIN: As to the question of control?

14 MR. MAY: Yes, sir. We thought --

15 JUDGE CHACHKIN: Whether it was adverse or, or, or  
16 supported your position?

17 MR. MAY: Your Honor, we -- I mean, as lawyers we  
18 did the job we thought we were required to do and that was  
19 responsive and candid.

20 JUDGE CHACHKIN: Well, again the record will reflect  
21 how complete your information was based on the facts that have  
22 been elicited in this proceeding.

23 BY MR. COHEN:

24 Q Now, concerning the programming, that's -- that the  
25 information about the programming, you notice it says on the



1 top of page 14, "the affiliation requires NMTV to broadcast  
2 only nine hours of Trinity Network programming per day..."?  
3 You see that?

4 A Yes, sir.

5 Q Okay. Why was it not stated there that when the  
6 Odessa station operated it carried 24 hours of TBN  
7 programming?

8 A I think we were trying to respond to the issue of  
9 control. I mean, what were they obligated legally to carry of  
10 the programming of Trinity under the Affiliation Agreement,  
11 and I believe that is a three-hour block of their nighttime  
12 programming five days a week -- or two hours. It, it --  
13 whatever the calculation is, I believe in the Affiliation it  
14 comes out to be nine hours of the Trinity programming. That's  
15 what they're actually obligated to carry. They're not obli-  
16 gated to carry any other programming other than that.

17 Q And, so, what they actually did was not relevant, in  
18 your view? Is that your te-- is that your testimony?

19 A We --

20 Q What Odessa did and what Portland did in terms of  
21 carrying the Trinity programming, that wasn't relevant?

22 A I guess we were just responding to the question of  
23 control, who controlled it, and that's all they had the legal  
24 right to be able to say should be carried in accordance with  
25 the Affiliation Agreement.

1 MR. COHEN: Well, I, I -- Your Honor, I don't think  
2 it's fruitful to pursue this anymore. I'm going to return --

3 JUDGE CHACHKIN: We'll take a ten-minute recess at  
4 this time.

5 (Whereupon, a short recess ensued.)

6 JUDGE CHACHKIN: Bureau counsel -- while we were off  
7 the record, Bureau counsel --

8 (Off the record.)

9 (On the record.)

10 JUDGE CHACHKIN: -- on the record in this --

11 MR. COHEN: Your Honor, I'd like to offer Glendale  
12 Exhibit 220, ask you to take official notice of it.

13 JUDGE CHACHKIN: Any objection to taking official  
14 notice of Glendale Exhibit 220?

15 MR. COHEN: I'd like to turn to another matter.

16 JUDGE CHACHKIN: Well, one second. I'm waiting  
17 for --

18 MR. COHEN: Excuse me.

19 JUDGE CHACHKIN: -- the Parties to state their  
20 views.

21 MR. TOPEL: We have no objection, Your Honor.

22 JUDGE CHACHKIN: All right. Glendale Exhibit 220 is  
23 received solely for the purpose of taking official notice.

24 (Whereupon, the document marked for  
25 identification as Glendale Exhibit

1                               No. 220 was received into evidence  
2                               for the purpose of taking official  
3                               notice.)

4               MR. COHEN: Your Honor, I'd like to turn to another  
5 matter.

6               MR. COHEN: Mr. May, if you would, would you look at  
7 the Bureau Exhibit 129, which is the Odessa Application.

8               JUDGE CHACHKIN: What ap-- what number is that, Mr.  
9 Cohen?

10              BY MR. COHEN:

11           Q     It's 129, Your Honor. And I want to direct your  
12 attention particularly, Mr. May, to the Supplemental State-  
13 ment, which is at page 30. Read that page -- which this is in  
14 evidence, of course. Read that to yourself, the Supplemental  
15 Statement. If you have any trouble finding it, tell me and  
16 I'll help you.

17           A     Yes, sir. I've read it.

18           Q     Okay. Now, this was the first application for --  
19 that NMTV filed for a full-power television station, correct?

20           A     Yes, sir.

21           Q     Okay. Now, this application was signed by Paul  
22 Crouch. You, you notice that? It's on page 29.

23           A     Yes, sir.

24           Q     Now, do you have a recollection of discussion -- of  
25 discussing with, with Paul Crouch the, the application before

1 or at the time he signed it?

2 A No, sir.

3 Q Do you have such a recollection of having a discus-  
4 sion with Jane Duff either before or at the time the applica-  
5 tion was signed?

6 A Yes, sir.

7 Q And did you talk about the, the -- well, tell me,  
8 what, what, what -- tell me about -- did you have one -- or  
9 did you have one or more than one conversation with Mrs. Duff?

10 A I don't, I don't recall, sir.

11 Q But you recall talking to her about it, about the  
12 application?

13 A Yes, sir.

14 Q Now, tell me, was your, was your procedure to, to  
15 prepare the application in final form and then send it to her  
16 for her review and Mr., Mr. Crouch's signature?

17 A Yes, sir.

18 Q And was that the procedure you followed?

19 A Yes, sir. I believe so.

20 Q And is it your understanding that Mrs. -- if you  
21 had, if you had knowledge, I guess is my question, as to  
22 whether Mrs. Duff did in fact review the entire -- or read the  
23 entire application?

24 A Well, I don't know, sir.

25 Q Did she tell you she had?

1 A I don't recall that she did.

2 Q But you remember talking with her about it?

3 A Yes, sir.

4 Q And this was prior to the time the application was  
5 filed?

6 A I prepared the application. My office had sent it  
7 out to her for execution. So, yes, I guess it would have been  
8 prior. Yes, sir.

9 Q Now, do you have a recollection of talking to  
10 Reverend Crouch prior to the time the Odessa Application was  
11 filed concerning what information should be supplied to the  
12 Commission regarding NMTV's relationship with Trinity?

13 A No, sir.

14 Q And you have no recollection of having a conversa-  
15 tion with, with Dr. Crouch concerning -- in the, in the con-  
16 text of filing the Odessa Appli-- in the context of filing the  
17 Odessa application of what should be provided, what informa-  
18 tion should be provided to the Commission regarding TBN and  
19 NMTV's relationship?

20 A What I recall is that Dr. Crouch, and Mrs. Duff for  
21 that matter, basically relied on me to prepare, present the  
22 material that I thought was required under the application.  
23 So, I suppose in that general sense that there was a discus-  
24 sion, although I don't recall any specifics.

25 Q So, you don't recall discussing with either

1 Dr. Crouch or Jane Duff whether any particular piece of infor-  
2 mation should be supplied or shouldn't be supplied to the  
3 Commission in the Odessa Application concerning the relation-  
4 ship of NMTV and Trinity?

5 A I mean, the issue of the relationship was to be  
6 covered in the application and they looked to me to do it.  
7 And I, I don't recall anything specific, but I do know that it  
8 was an issue, I mean, it was part of the Application.

9 Q I understand. Do you have a, a recollection of  
10 discussing the Supplemental Statement with either Mrs. Duff or  
11 Dr. Crouch?

12 A I, I mean, I don't have any specific memory today.  
13 I mean, obviously I got the, the information that the seller  
14 had a program agreement of some kind with Trinity and that I,  
15 having heard that, I thought that would be important because  
16 this was an unbuilt construction permit and that's why I  
17 prepared this Supplemental Statement.

18 Q Now, the Supplemental Statement talks -- there's a  
19 statement -- there's a, there's a statement in there, "out of  
20 an abundance of caution..." Do you see that?

21 A Yes, sir.

22 Q Okay. So, what did you mean by "out of an abundance  
23 of caution"?

24 A I just wanted to make sure that this information was  
25 submitted to the Commission.

1           Q     Now, out of an abundance of caution, can you tell me  
2 why the Commission wasn't informed that Mrs. Duff had been a  
3 Director of TBN from 1980 until 1984 and that she was in 1987  
4 a Director and Officer of several Trinity corporations?

5           A     I mean, if she wasn't at the time, I guess it's not  
6 something that's specifically responsive, but I do know that  
7 we did reference previous applications that had been filed by  
8 National Minority, and in those applications, at the time that  
9 Mrs. Duff was a Director of Trinity or an Officer of Trinity,  
10 that that had been disclosed in that ap-- in those applica-  
11 tions.

12          Q     But it wasn't disclosed in 1987 in the, in the  
13 Odessa Application?

14          A     Well, I guess not in so many words, but we refer-  
15 enced to the fact that these -- a number of previous applica-  
16 tions had been submitted and in those applications the infor-  
17 mation was there. I mean, in all honesty, Mr. Cohen, I wish  
18 to heaven I'd have just done a punch-list of all the things  
19 that today in 1993 seemed important to this and said: here's  
20 this, here's this, here's this, but, frankly -- I mean, the  
21 application is what it is.

22          Q     Now, turn to, to paragraph 24, if you will, of your  
23 testimony, your written testimony. And what I'm, what I'm  
24 asking you about, what I want to ask you about is the infor-  
25 mation that's set forth on page 16, beginning at the bottom of

1 page 15 on to page 16 to the end of paragraph 24. Would you  
2 read that to yourself?

3 A Yes, sir.

4 Q Okay. And can you tell me, Mr. May, why none of the  
5 information that's set forth commencing at the bottom of page  
6 15, continuing on to 16 of your testimony, why none of that  
7 information is set forth in the Odessa Application.

8 A Some of it didn't actually come into existence until  
9 following the filing of the Odessa Application.

10 Q Your, your point is well-taken. I'm, I'm talking  
11 about those, those matters which were in existence at the time  
12 that Odessa was filed.

13 A Well, the, the question about TBN advancing loans  
14 and providing credit, I believe at the time the Commission  
15 form simply asked that one would certify that they had access  
16 to the funds necessary to close the transaction, and so we  
17 were responsive to the questions on the form. Now, looking at  
18 the next one, business and accounting services, I was -- I  
19 mean, I was aware that TBN was providing business and account-  
20 ing services about the time the Odessa Application was being  
21 prepared and perhaps before that, but I -- for the reasons  
22 I've already stated, I -- it didn't occur to me that that was  
23 something that was -- that, that, that should -- or whether it  
24 was requested to be disclosed in the application, so I didn't  
25 do it.



1 Q I understand. Okay. And would your answer be the  
2 same for the remainder of the material that was in existence  
3 at the time the Odessa Application was filed?

4 A Yes, sir. I believe that's the case. I mean, I, I  
5 go on here and note that for NMTV and TBN to share common  
6 officers and personnel performing ministerial functions, and  
7 I, I acknowledge also in my testimony that there was  
8 assistant-secretaries that were not listed in the ownership  
9 section of the Odessa Application. But, I mean, otherwise,  
10 yes, I think the answers would be consistent.

11 Q Okay. Now -- I have nothing else on that. Turning  
12 to the Portland Application, do you have a recollection of,  
13 of, of talking with -- strike that.

14 A Could I also make sure that I clarify something?

15 Q Certainly. I want you to do that.

16 A I mean, I -- you asked me previously about communi-  
17 cations specifically on the Odessa Application.

18 Q Yes.

19 A And I want it understood that I'm responding to the  
20 actual pieces of paper. I mean, questions about on this piece  
21 of paper this box is checked or this sentence is provided, and  
22 that's what I don't have any specific recollection of communi-  
23 cating with Dr. Crouch about at or about the time the Odessa  
24 Application was filed. I did not mean, however, and this is  
25 what I'd like to clarify, that I didn't have communications